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THE DIFFICULTIES OF A FACTORY INSPECTOR

BY HON. EDGAR T. DAVIES,
Chief Factory Inspector of Illinois.

Officials who are charged with the enforcement of laws, and have tried to do their full duty, are naturally very jealous of their official reputation. I personally am also sincerely interested in this proposition, that if by inadvertence a false understanding should go out through this country, that the Illinois glass manufacturers are not obeying the law, then the glass companies who in other states are opposing restrictive measures in any additional legislation which is being asked for by various organizations interested in child saving, will say to the advocates of such measures, "See here, the glass companies of Illinois do not obey the child labor law of Illinois." I understand that such has been the protest of the glass companies in Ohio, in Pennsylvania and in Indiana, when additional or restrictive legislation has been under consideration by the various general assemblies of those states.

The statement that the Illinois glass companies are obeying the law is a statement of fact, and that the argument might not be lost, let us see why it is a statement of fact.

We have with us to-day Mrs. Van der Vaart, who was the preceding speaker, and who in her remarks said that she had recently investigated the glass companies located at East St. Louis and Alton, Illinois, and as a result of her visit to these two localities, she makes the broad statement that the child labor law is not being enforced against the glass companies in Illinois. We have many glass companies in Illinois, scattered throughout the entire state, and a statement so broad as the one made by the preceding speaker should certainly have been based upon a visit to each of the glass companies within the state.

A statement that the glass companies of the state are not obeying the law reflects not only on the two localities visited by the

speaker, but also on the other glass companies located within the state; and it is manifestly unfair to say that these other companies are not obeying the law without first having visited their plants, to see if they were complying with the law or no. If they are, then give them credit; do not say they are not complying unless you have evidence to substantiate such a broad statement.

I am pleased to note that we also have with us to-day Mrs. Florence Kelley, my predecessor. Now, then, let us try to arrive at the right conclusion. When Mrs. Kelley was chief inspector of Illinois the glass companies were in business. She had full authority to prosecute and convict. In her book, "Some Ethical Gains Through Legislation," she says that she found there were eight hundred children employed by the glass companies located at Alton; many of the children being of very small stature and quite young in years. Upon taking office I found no record of a conviction of a glass company in the state. I make no reflection upon Mrs. Kelley's administration; I know her to be a woman who was sincerely interested in her work, a competent official who accomplished grand results. I do not speak disparagingly of her efforts, because I know what it is to go up against these strong combinations, extensive employers of labor. I only wish I had been able to help her in her work.

I speak of this because of the great difficulties encountered by the official in the securing of convictions of the glass companies who violate the law. During my administration, as chief inspector, I have secured the conviction of every glass company in the state, from Galena to Cairo; and had prosecuted and convicted the Illinois Glass Company only the day before Mrs. Van der Vaart's visit to Alton. Our inspectors had gone to Edwardsville, the county seat of Madison County, to prosecute the company; they believed they could there secure a trial along less partial lines than in Alton, the town in which the glass company in question is located. I have the court records of that trial in my hand now; \$620 is the penalty imposed upon them for not complying with the child labor law. And this conviction, if you please, in the face of the fact that the Alton Glass Company is not only evasive, but constantly on the lookout. The whole town seems to be with them. The truant officer seems to be in sympathy with them; the school census was taken in the spring and the superintendent of schools never got it until many months

afterward, when it was valueless, because it had been held up by the City Council.

It is reported that if you, a stranger, walk into the town and should resemble an inspector, the glass companies know it. Should an inspector pass a saloon or any of the stores, some one telephones; if you stop at the hotel the glass companies' officials know you are there. This glass company's plant covers many acres; it is claimed to be the largest glass company in the world; they have a complete telephone system. This great piece of territory is all fenced in with a huge fence surmounted with barbed wire; two gates for the inspector to get in and lots of holes for the kids to get out. It was only recently in an address delivered by me, I stated that laws do not enforce themselves. I dwelt upon the fact that machinery cannot run without coal; that it required fuel, oil and water, and that if the legislature failed to appropriate sufficient money for the proper enforcement of the laws, do not blame the official.

We have in our department the munificent sum of ten thousand dollars, to pay, outside of salaries, all railroad expenses, hotel bills, telephone bills, printing bills, office expenses, stenographers, clerk hire and incidentals—ten thousand dollars to cover a territory embracing three hundred and fifty-two towns. It is a shame. There have been held to account influential gentlemen of the appropriations committee of the senate and the house for their failure to appropriate the necessary money. Members of the legislature are as a rule proud of their record made in the legislature. At least, when they are running for re-election, they come and tell you of the great and good bills they voted for; they voted for this reform and that reform, and therefore are always very happy to have their legislative record shown. The people should know, and I take the liberty of stating to you, that when I asked for an appropriation to cover a deficiency, when we did not have a dollar left in the department, and three months to run, a certain member of the appropriations committee told a member from my own district, who was working in behalf of the allowance of the requested appropriation being made, "No, I think we will leave Davies; he fined a friend of my friend \$160 for violating the law.'

It is to be regretted that men who have been elected to office, and who have in their power the authority to grant or refuse to grant adequate appropriations—most necessary money—should refuse, and

have as their only excuse for refusal, the fact that an official charged with enforcing the law had done his duty.

Do you people know or realize what it means to go up against the glass companies of Illinois? Do you realize what it is to have millions of dollars invested in glass companies in the state, and to have to go up against the combined forces controlled by them? There is not a glass company in the State of Illinois, not one of them, that I have not convicted.

Eight hundred children, by my predecessor's book, were employed by the Alton Glass Company in 1893. Let us take the record now. As we must always be fair to employers as well as being fair to employees, I cannot protest, and I cannot protest too strongly, against people who make the statement that children are under age, without first obtaining proof that the children are under age; because you cannot go on your own judgment.

I have been an inspector and head of a department for almost six years, and thousands of these children have passed through my office. I have carefully noted in a scientific way every fact. The usual difference between an American boy and a Polish boy of fourteen years of age is fifteen pounds. I have in my office the correct scientific figures. There is two and one-half to three inches usual difference between the height of a Bohemian boy and an American boy of fourteen years of age. These statistics are garnered through the system in vogue in our office, where we have measured and weighed 51,000 children. You must take into consideration the fact that the working children are dressed poorly, are wearing last year's undersized garments, and they look smaller than your children who are dressed in up-to-date garments. These and other facts must always be taken into consideration.

We have said to employers, "We demand that you have a school certificate," and therefore it is no more than our duty as inspectors to see that they have, but if they have we should say to the employer, "This school certificate will protect you if you live within the provisions of the law." We must protect the employer somewhere, and the person to be prosecuted is not the employer for having a false certificate, but the school official who issued the false certificate, or the person who falsified in obtaining the certificate. Put the responsibility where it belongs.

When I went into service in Illinois, as chief factory inspector,

the first year of my administration the Illinois Glass Company had three hundred and seventy-seven children employed many of whom were under fourteen years of age, and there were many hundreds of children employed in the glass companies throughout the state. Is the Illinois child labor law enforced in the glass companies of Illinois? Let us see. What is the condition to-day:

Instead of three hundred and seventy-seven children employed by the Illinois Glass Company, many of whom were under fourteen, there are now eighty children employed; all holding certificates showing them to be between fourteen and sixteen years of age; there may be some on false certificates who are under fourteen.

The glass companies located at Streator I found upon taking office had two hundred and fifty-seven children employed; they now have twenty-three. Obeur-Nestor Glass Company had ninety-two children employed; they now have thirty-two; and so on down through the line of glass companies. The company at Alton have one-fifth of the child employees they had when I took office. The company at Streator have now only one-eleventh of the child employees they formerly had, during the year previous to my administration.

I want to say that these thirty-two indictments referred to by Mrs. Van der Vaart, that were never brought to trial, were not in Illinois. The notary public affidavits referred to by her as being two years old were in Indiana, not in Illinois.

Mr. Joseph Nestor, manager of the glass company at East St. Louis, whom I personally know, and whose establishment was referred to indirectly by Mrs. Van der Vaart in her reference to the company located at East St. Louis, is a man who would never tell you aught but the truth. When our inspectors, in talking with Mr. Nestor, ask him if he has been obeying or violating the law since they have been gone, he will give them a truthful answer.

Although we have indicted Mr. Nestor on thirty-eight counts, and have several times prosecuted him for violations of the child labor law found in his establishments, we have never found him guilty of telling a lie regarding conditions in his plant. His plant was formerly a violator of the law, but during the past year we have found no flagrant violations there. He is honestly endeavoring to have his establishment strictly comply with the law at the present time, and has endeavored to do so for a long while. He tried to

defeat the passage of the child labor law when it was being considered by the legislature; he appeared in Springfield in the open and tried to prevent the measure being placed upon the statute books, because he did not want its restrictive provisions to apply to his business.

I have had some experience in child labor legislation; I enforced the old law of Illinois; was chairman of the committee which drafted the present law. A brother of mine, who was a member of the general assembly, introduced the law in the legislature, and now, as the proper statutory official, I hold the obligation of its enforcement. I refer to this, to make clear my interest, as well as my responsibility, in the work.

During the years of my administration I have secured convictions in over six thousand cases of violation; and I wish I could say about all other employers of child labor what I have spoken in regard to Mr. Joseph Nestor. I speak of him, because I believe in giving an employer of labor, who was frank enough to fight the passage of the law in the open, credit for obeying that law after it was placed upon the statute books.

Let us take up the proposition or provision which prohibits night work. Somebody told me to-day that the Board of Health of the City of New York has charge of the enforcement of the child labor laws of New York, in their application to the mercantile establishments, etc. While the board of health means a whole lot, the obligation of the enforcement should be placed in the hands of an individual; the trouble with departments of health or boards or commissions is that, in cases of complaint, the complaint is referred to somebody; somebody else says, "See what is the matter, here is a complaint; why don't you investigate it?" It is referred to someone else for investigation. What is the outcome of the complaint? Usually it is not investigated, and if it is the complainant does not know it.

In Chicago we have the largest department stores in the country outside of New York City. We had in the fall of 1902 fourteen hundred children in the department stores; when, in December, 1903, it was necessary to send the children home at seven o'clock; the department stores were to be open during the evening; I was called upon, it seems, by all persons they could muster together and asked to let the enforcement of the law go until they could get

in shape. They said, "How are we to get along after seven o'clock unless we have our cash boys and cash girls, our boys and girls to wrap our bundles?" "How are we going to run our business and keep our stores open?" "We cannot run our own cash or wrap our bundles."

It is the same all along the line in many other industries. I had to stand the pressure of the argument, the pressure political, and sometimes had to meet the argument of something else, which is considered by some a material one. But my answer is a matter of record. All the children went home, some fourteen hundred of them, marching out at seven o'clock.

I want to say that it is easy to criticise; it is easy to find fault with officials, but officials need the co-operation of charitable organizations and philanthropic bodies that will help the inspector, aid and assist him; stand back of him and say, "We are with you, go ahead and enforce the law." Because without this co-operation he has not that much-needed public support, which will encourage and help him in doing his duty. When he goes into a county he is confronted, not only by divided public sentiment, but by strong political opposition.

What you all need to do is to stand back of the inspectors and officials charged with enforcing laws and make them do their duty, and if they are derelict or remiss then dismiss them summarily. If they have done their duty, support them. Do not withhold your words of encouragement, because your aid and your assistance and your words of encouragement are his greatest source of support, and your word, "that his duty has been well done," his greatest hope of reward.